IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 12680 of 2004(H)

PETITIONER: PETITIONER

M.RAMANKUTTY,
(RETD.HEAD CONSTABLE HC.NO.7212,
THOTTILPALAM POLICE STATION)
PANNIYAMKAD HOIUSE, SREE KRISHNAPURAM,
PALAKKAD DISTRICT.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA, REP: BY SECRETARY,
DEPARTMENT OF FINANCE,
SECRETARIAT,
TRIVANDRUM.

2. SECRETARY,
DEPARTMENT OF HOME,
SECRETARIAT,
TRIVANDRUM.

3. DIRECTOR GENERAL OF POLICE,
TRIVANDRUM.

GOVERNMENT PLEADER SRI. M.P. PRAKASH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) 12680/04

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF THE LETTER DATED 3.3.2003 ISSUED BY THE FINANCE CONTROLLER AIMS TO THE 3RD RESPONDENT.
EXT.P2	TRUE COPY OF THE REPLY DATED 24.6.2003 FROM THE PRINCIPAL SECRETARY TO GOVERNMENT HOME.
EXT.P3	TRUE COPY OF THE CERTIFICATE DATED 21.1.2004 ISSUED BY THE S.I. OF POLICE, THOTHILPALAM TO THE SUPERINTENDENT OF POLICE, CALICUT (R9RAL)
EXT.P4	TRUE COPY OF THE REPRESENTATION DATED 12.3.2004 SUBMITTED BEFORE THE RESPONDENTS.
EXT.P5	A TRUE COPY OF THE CHARGE SHEET IN CRIME NO. RC 3(5). 1994/CBI/KER DATED 28.10.2005 SUBMITTED BY DEPUTY SUPERINTENDENT OF POLICE, CBI, SPECIAL COCHIN BEFORE THE CHIEF JUDICIAL MAGISTRATE, ERNAKULAM.
EXT.P6	A TRUE COPY OF THE ENQUIRY REPORT DATED 5.2.2003.
EXT.P7	A TRUE COPY OF THE SHOW CAUSE NOTICE DATED 9.7.2003 ISSUED BY THE GOVT.
EXT.P8	A TRUE COPY OF THE REPLY DATED 3.9.2003 SUBMITTED BY THE PETITIONER.
EXT.P9	A TRUE COPY OF THE REPLY DATED 14.5.2004 SUBMITTED BY THE PETITIONER.
EXT.P11	A TRUE COPY OF THE ORDER DATED 18.9.2004 PASSED BY THE GOVT.
EXT.P12	A TRUE COPY OF THE ORDER ADMITTING THE PETITIONER'S PENSIONARY BENEFITS ALONG WITH INTIMATION SLIP DATED 19.11.2004.
EXT.P13	A TRUE COPY OF THE INTIMATION DATED 12.5.2005 ISSUED BY THE ACCOUNTANT GENERAL TO THE SUB TREASURY OFFICER, SREEKRISHNAPURAM.

// TRUE COPY //

P.S. TO jUDGE.

KNC/-

P.R. RAMAN, J.

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W.P.(C) 12680 OF 2004

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DATED THIS, THE 6TH DAY OF DECEMBER, 2006.

J U D G M E N T

Petitioner retired from service as a police constable on 31.12.2003 His grievance is that even though three years have elapsed, pensionary benefits such as DCRG and other monetary benefits are not paid to him yet. Even though there was a vigilance enquiry against the petitioner, it is revealed from Ext.P6 report that he has to be exonerated and therefore, there is no justification for the respondent to delay payment of pensionary benefits. Petitioner seeks for appropriate directions in this behalf.

2. In the statement filed by the respondent, it is stated that though the petitioner had sought for voluntary retirement with effect from 31.8.2003, since he was under suspension because of his involvement in a crime, as per KSR Part III Rule 56 (V) permission for voluntary retirement could not be granted and subsequently, on attaining superannuation he retired from service. His pension papers were forwarded to the Accountant General for sanctioning provisional pension on 15.12.2003 and returned from that

office on account of non-rectification of certain defects during the suspension period. Letters were sent to the office of the Superintendent of Police, Palakkad and Kasaragod along with his service book for getting the entries made up to that date regarding suspension and regularization of suspension period in the service book and after receipt of such record details, the service book has been forwarded to the Accountant General with pension papers on 25.6.2004. But pension has not been sanctioned so far. It is further stated that the pension benefits will be disbursed to the petitioner on receipt of authorization of pension from the Accountant General.

3. The above statement is filed on 18th August, 2004. Even thereafter, two years have elapsed. Still learned Government Pleader is not in a position to say as to whether pension has been sanctioned to the petitioner.

4. In the aforesaid facts and circumstances, there is no justification for with-holding the pension payable to the petitioner who retired from service as early as on 31.12.2003. Mere pendency of any enquiry by the Vigilance even assuming to be pending, is not a ground to with-hold the pensionary benefits, that too, nearly for a period of three years within which no finality is reached based on any such enquiry. On the other hand, the

report Ext.P6 itself shows that the petitioner was to be exonerated.

5. In the circumstances, there will be a direction to respondents 2 and 3 to disburse the pension in accordance with Ext.P12 pension sanctioning order as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment. The claim for DCRG will be finalized within a period of two months from that date. Likewise, the orders of regularization of suspension, if any, will also be issued within the aforesaid period of two months. The above directions shall be strictly complied with.

Petitioner shall produce a copy of this judgment before the concerned respondents for information and compliance.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)